

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SECRETARY OF VETERANS AFFAIRS,
AN OFFICER OF THE UNITED STATES,
SUCCESSORS AND ASSIGNS AT THE
DEPARTMENT OF VETERANS
AFFAIRS, LOAN GUARANTY SERVICE,
3401 EST END AVENUE, STE 760W,
NASHVILLE, TN 37203,,

Plaintiff,

v.

TANYA STUTSON, et al.,
Defendants.

Case No. [22-mc-80302-RS](#)

ORDER DENYING LEAVE TO FILE

Kevin Woodruff, who also goes by other names, including Wanag Tahatan-Bey, has been deemed a “vexatious litigant” by this court, *see* Order Declaring Plaintiff a Vexatious Litigant, *Kevin-Paul Woodruff v. Mason McDuffie Mortgage Corporation, et al.*, No. 22-cv-3124 WHO, Dkt. No. 32 (N.D. Cal. September 12, 2022). On his own behalf and on behalf of his state court co-defendant Tanya Stutson, Woodruff has requested permission to file a Notice of Removal of an unlawful detainer proceeding relating to the same real property that was in issue in all of the prior cases underlying and culminating in the vexatious litigant finding.

On their face, the pre-filing review requirements articulated in the vexatious litigant order do not strictly or literally apply to the proposed Notice of Removal. The claims Woodruff is attempting to pursue in this forum by effecting a removal, however, plainly fall within the spirit of the vexatious litigant order and represent litigation the pre-filing review requirements was

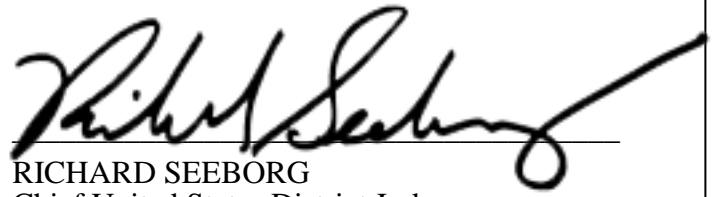
1 intended to foreclose.

2 Moreover, regardless of whether the prior order is strictly applicable here or not,
3 permitting filing of the Notice of Removal would be an idle act, as the action would be subject to
4 immediate remand for lack of jurisdiction. An unlawful detainer complaint raises no federal
5 questions, and the fact that defendants may wish to assert defenses they believe implicate federal
6 law is insufficient to create federal question-based removal jurisdiction. *See Caterpillar Inc. v.*
7 *Williams*, 482 U.S. 386, 393 (1987) (observing it is “settled law that a case may not be removed to
8 federal court on the basis of a federal defense . . .”). Diversity jurisdiction is unavailable because,
9 even assuming complete diversity among the parties and satisfaction of the amount in controversy
10 requirement, a resident of the state in which the action is brought is not entitled to removal. *See* 28
11 USC 1441(b).

12 Accordingly, permission to file the Notice of Removal is denied. The Clerk shall close this
13 file.

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16 **IT IS SO ORDERED.**

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18 Dated: November 8, 2022

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21 RICHARD SEEBORG
22 Chief United States District Judge
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